

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JEFFREY C. ARNOW,

Plaintiff,

v.

1:18-CV-0514 (BKS/TWD)

OCWEN L.S., *et al.*,

Defendants.

Appearances:

Jeffrey C. Arnow
Scotia, NY 12302
Plaintiff, pro se

Schuyler B. Kraus, Esq.
Hinshaw & Culbertson LLP
800 Third Avenue
13th Floor
New York, NY 10022
Attorney for Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Jeffrey Arnow, commenced this action pro se asserting claims against defendants Ocwen L.S., Ronald Faris and Eric Spett, and seeking leave to proceed in forma pauperis. (Dkt. No. 1). On May 25, 2018, Defendants filed a motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Dkt. No. 7). This matter was referred to United States Magistrate Judge Thérèse Wiley Dancks who adjourned the response and reply dates for the motion to dismiss pending review of the complaint and motion to proceed in forma pauperis. On June 12, 2018, Magistrate Judge Dancks issued an Order and Report-Recommendation

recommending that this action be dismissed for failure to state a claim unless Plaintiff filed an amended complaint within forty-five days. (Dkt. No. 9). Magistrate Judge Dancks advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 9, at 11). No objections to the Report-Recommendation have been filed. On August 22, 2018, Plaintiff filed an amended complaint. (Dkt. No. 12).

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Report-Recommendation is adopted in its entirety. Since Plaintiff has filed an amended complaint, the amended complaint is referred to Magistrate Judge Dancks for review under 28 U.S.C. § 1915(e).

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 9) is **ADOPTED** in its entirety; and it is further;

ORDERED that the complaint (Dkt. No. 1) is **DISMISSED** without prejudice; and it is further;

ORDERED that the amended complaint (Dkt. No. 12) is referred to Magistrate Judge Dancks for review under 28 U.S.C. § 1915(e); and it is further


ORDERED that Plaintiff’s pending letter motion (Dkt. No. 6) is referred to Magistrate Judge Dancks; and it is further

ORDERED that Defendants' motion to dismiss for failure to state a claim (Dkt. No. 7) is **DENIED** as moot; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 5, 2018
Syracuse, New York


Brenda K. Sannes
U.S. District Judge